



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 7, 1994

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR94-640

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. You assert that the requested information is excepted from required public disclosure under section 552.108 of the Government Code. Your request was assigned ID# 27881.

You received a request for information under the Open Records Act on June 30, 1994. You requested a decision from this office by letter dated July 26, 1994. Consequently, you failed to request a decision within the 10 days required by section 552.301(a) of the Government Code.

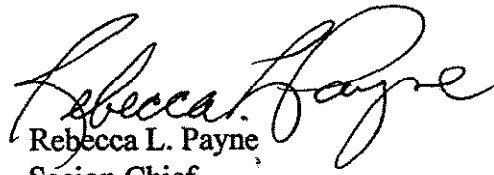
Sections 552.301 and 552.302 require a governmental body to release requested information or to request a decision from the attorney general within 10 days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within 10 days of receiving a request for information, the information at issue is presumed public. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *See id.*

On August 15, 1994, we asked you for copies of the records at issue and the reasons you believe the requested information is excepted from disclosure. To date, we have not received the requested copies of the records or your arguments for withholding the information.

Because you have not shown compelling reasons why the information at issue should not be released, the information is presumed to be public and must be released in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Rebecca L. Payne".

Rebecca L. Payne
Section Chief
Open Government Section

RLP/LMM/rho

Ref: ID# 27881

cc: Ms. Sherry Nickels
6539 Manorwood Drive
Katy, Texas 77493